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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

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12 COMMUNITIES FOR A BETTER
ENVIRONMENT, a California non-profit
13 corporation,

CASE NO. C 07-02768 JCS

14 Plaintiff,
15 vs.

**NOTICE OF SETTLEMENT;
JOINT REQUEST TO VACATE DATES**

16 ACTION METAL RECYCLING, INC., a
17 California corporation,

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19 Defendant.

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1 WHEREAS, on February 21, 2008, Communities for a Better Environment and Action
 2 Metal Recycling, Inc. (the "Parties") agreed to the terms of a settlement;

3 WHEREAS, the Parties are in process of finalizing this settlement in the form of a
 4 Consent Agreement;

5 WHEREAS, upon execution, the Parties will submit the Consent Agreement to the
 6 Department of Justice for 45 day review as required by the federal Clean Water Act, 33 U.S.C.
 7 1365 and 40 C.F.R. 135.5;

8 WHEREAS, upon execution, the Parties will submit the Consent Agreement to this Court
 9 for review and approval;

10 Therefore, the Parties now respectfully request this Court vacate all pending dates for this
 11 action, including the February 22, 2008, case management statement filing deadline and the
 12 February 29, 2008, case management conference.

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 14 Dated: February 21, 2008

 /s/

Shana Lazerow¹
 Attorney for Plaintiff
 COMMUNITIES FOR A BETTER ENVIRONMENT

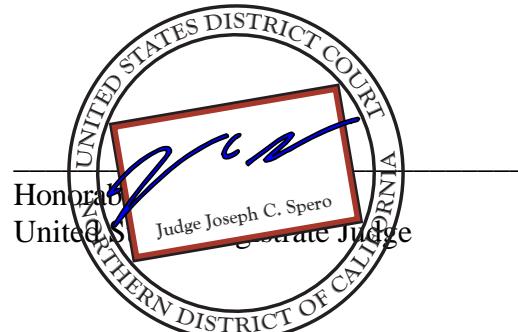
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 16
 17
 18 Dated: February 21, 2008

 /s/

W. Lee Smith
 TRUTANICH MICHEL, LLP
 Attorney for Defendant
 ACTION METAL RECYCLING, INC

21
 22 IT IS SO ORDERED.

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 24 Date: 2/25/08



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 27 ¹ As the filing attorney, I certify that counsel for Action Metal has authorized me to file this document with his
 28 signature. Pursuant to General Order 45 IX, this action being designated for electronic filing, the above document is deemed served on Defendant upon filing via the ECF.